

Notice of Allowability

Application No.

10/081,616

Examiner

Patricia L. Nordmeyer

Applicant(s)

WIECK ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment after Non-final Rejection dated May 24, 2006.
2. ☒ The allowed claim(s) is/are 1,3-5,7,9-12 and 14-17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20060718.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Drawings

1. The drawings were received on February 21, 2002. These drawings are accepted by the Examiner.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christa Hildebrand on July 18, 2006.

The application has been amended as follows:

In claim 1, line 7, "a layer of" has been deleted.

In claim 1, line 7, "the" has been deleted and replaced by --only the--.

In claim 3, line 1, "layer" has been deleted.

In claim 4, line 1, "opaque" has been deleted.

In claim 5, line 1, "opaque" has been deleted.

In claim 9, line 1, "layer of" has been deleted.

In claim 10, line 1 "layer of" has been deleted.

In claim 11, line 1, "a backing sheet in" has been deleted.

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In claim 11, line 2, “tape” has been deleted and replaced by --tape positioned on top of the polymer backing for dispensing punched shaped parts--.

In claim 11, line 3, “includes” has been deleted and replaced by --that includes--.

In claim 11, line 4, “color” has been deleted and replaced by --colorant--.

In claim 11, line 5, “portion and” has been deleted and replaced by --portion, providing an anti-adhesive coating on the top and/or bottom face--.

In claim 11, line 7, “for dispensing the punched shaped parts” and replaced by --and dispensing single-sided or double-sided adhesive punched shaped parts from the polymer backing sheet--.

In claim 16, line 1, “layer” has been deleted.

In claim 17, line 1, “layer” has been deleted.

3. The following is an examiner’s statement of reasons for allowance:

The closest prior art of record fails to teach or suggest the recited protective material with punched shaped parts. Independent claims 1 and 11 identify the uniquely distinct features of a material that include a polymer backing with top and bottom faces and an interior portion comprising a layer of homogeneous opaque colorant, wherein the top, bottom or both faces are coated with an anti-adhesive coating that is used in combination with single or double sided tape to form punched shaped parts. The closest prior art of record, Greuse et al. (USPN 5,250,336) in view of Higgins (USPN 5,932,352), which either singular or in combination, fail to anticipate or render obvious the above limitations.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer
Examiner
Art Unit 1772

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Nasser Ahmad 7/20/06
NASSER AHMAD
PRIMARY EXAMINER